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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,108	05/24/2001	Craig S. Skinner	24530.01800	3048
7590 11/02/2005			EXAMINER	
John W. Carpenter CROSBY, HEAFEY, ROACH & MAY P.O. Box 7936 San Francisco, CA 94120-7936			SHARMA, SUJATHA R	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,108

Applicant(s)

SKINNER ET AL.

Examiner

Sujatha Sharma

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,13,16 rejected under 35 U.S.C. 103(a) as being unpatentable over Okano [US 6,763,238] in view of Mauney [US 6,484,027].

Regarding claims 1,13 Okano discloses a portable phone with various functional settings.

Okano further discloses a portable phone comprising:

- a radio unit configured to communicate with a network; See Fig.1 and col. 1, lines 66- col. 2, line 3
- at least one memory device configured to store application and system programs; See Fig.1, element 5, and col. 1,lines 63 - 67
- a processing unit coupled to said radio unit and said at least one memory device, said processing unit configured to run the application and system programs; Fig.1, control-circuit 1, and col. 1,lines 63 - 67
- wherein at least one of the application and system programs include a switch for enabling and disabling the radio. See col. 4, lines 14-59

Okano further discloses a method wherein the program applied to the mobile device is capable of controlling operation of the transmission function separately from other functions

Art Unit: 2684

such as receiving call, telephone directory, schedule manager, games etc that can remain effective for use. See col. 4, lines 2-7, 52-65.

However, Okano does not disclose the portable phone to include a soft key for enabling and disabling the radio and further displaying the soft key on the device screen.

Mauney, in the same filed of endeavor, teaches a method of carrying out different functionalities for example for turning on/off of the mobile phone using soft keys. See Fig. 4A and col. 13, line 34 – col. 14, line 5. Mauney further discloses a graphical user interface having a first soft button entitled “radio on” and a second soft button labeled “radio off” and an enablement of the radio device is indicated by the corresponding indicators. See col. 13, lines 48-61.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Mauney to Okano in order to provide a user with greater flexibility and optimum performance.

Regarding claims 2,14, Okano further discloses a method wherein upon disabling the radio, a notification program notifies the user that the radio is disabled. See col. 2, lines 12-16, col. 5, lines 52-56.

Regarding claims 3, Okano further discloses a method wherein said notification program is further configured to give the user an option to either continue executing the application or system program and automatically enable the radio device or discontinue execution of the application or system program and leaving the radio disabled. See col. 5, lines 3-50

Regarding claim 4, Mauney further discloses the electronic device to comprise of a display screen and at least one of said system and application programs configured to generate a graphical user interface on the display screen having at least one soft button programmed to enable and disable said radio device. See Figs 4A, 4B and col. 13, line 54 – col. 14, line 5.

Regarding claim 5, Mauney further discloses a graphical user interface having a first soft button entitled “radio on” and a second soft button labeled “radio off” and an enablement of the radio device is indicated by the corresponding indicators. See col. 13, lines 48-61.

Regarding claims 9,10, Okano further discloses a method of menu option for schedule and the application and system programs include a scheduling application that provides user modifiable start and stop times that indicate when the radio unit is to be enabled and disabled. See col. 4, lines 34-65.

Regarding claims 11,12 Okano discloses a method of notifying a user of an RF enablement of a device comprising the steps of:

- identifying the invocation of a mechanism requiring access to the RF capabilities and determining the RF enablement of the RF device; see col. 1, line 63 – col.3, line 32, col. 4, lines 2-51
- prompting a user of the device if the mechanism is to be granted RF access; col. 5, lines 3-34

Art Unit: 2684

- retrieving a user input regarding whether RF access should be granted to the mechanism requiring RF access; see col. 5, lines 3-34
- if the user input indicates the mechanism is to be granted RF access, automatically enabling the RF device and allowing the mechanism requiring RF access to continue and access the RF device; col. 5, lines 3-34
- if the user input indicates the mechanism should not be granted RF access, then, shutting down the mechanism requiring RF access without enabling the RF device. col. 5, lines 3-34

Regarding claims 15,17-20 Okano discloses a method wherein the notification program notifies the user of the status of the RF device by means of a display. See col. 2, lines 12-16, col. 5, lines 52-56. However, he does not specifically disclose the display to be an airplane icon.

It is well known in the art to display icons for indication status of the phone such as battery icon, signal strength icon etc.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made modify Okano to display the status of the transmission suspension using an airplane icon as an obvious design choice.

Regarding claim 16, Okano further teaches a method wherein the electronic device according comprises a shutdown device configured to maintain the radio unit in a non-enabled state, maintain the processing unit in an operational state, and shut down an application program

Art Unit: 2684

that utilizes the radio unit upon a negative response to the prompt from the user. See col. 4, line 34 – col. 5, line 13

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okano [US 6,763,238] and Mauney [US 6,484,027] in view of Graham [EP 817 447 A1].

Regarding claims 6-8, Okano as treated in claim 1 discloses all the limitations as claimed. However he is silent to teach a method wherein the electronic device comprises a hard button programmed to enable and disable the radio device by engaging the hard button for a pre-determined length of time, wherein the pre-determined length of time is less than one second.

Graham, in the same field of endeavor, teaches a method wherein the electronic device comprises a hard button programmed to enable and disable the radio device by engaging the hard button for a pre-determined length of time, wherein the pre-determined length of time is less than one second. See col. 3, line 46 – col. 4, line 23.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Graham to modified Okano in order to ensure that the electronic device is not inadvertently turned on/off.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.


Art Unit: 2684

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
October 27, 2005

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

 10/30/05